

Minutes

DAGSBORO TOWN COUNCIL

Virtual Meeting

Monday, September 21, 2020

I. CALL MEETING TO ORDER

Mayor Baull stated that this meeting is being conducted remotely consistent with Governor Carney's executive order due to the current State of Emergency in the State of Delaware given the outbreak of COVID-19. The Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location, further all members of public bodies are allowed and encouraged to participate remotely. This order also allows public bodies to meet entirely remotely as long as reasonable public access is afforded so that the public may follow along with the deliberations of the meeting. All the votes as well as discussions will be taken individually so that all the Council members will have the time to speak if they so choose also so we can properly document it. Mayor Baull stated that this meeting is being recorded and Town Administrator Brought is taking notes as well.

Meeting was called to order by Mayor Baull at 6:05 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Patrick Miller, Councilman William Chandler, Councilwoman Theresa Ulrich, Town Administrator Cynthia Brought, Police Chief Steven Flood, Engineering Consultant Kyle Gulbronson, P&Z Chairman Brad Connor, P&Z Member Cathy Flowers, Reporters Glenn Rolfe and Jason Feathers, John Thaeder and Rob Penman with Artesian, Clay Snead with Snead Property Management, Carlton Savage with Scaled Engineering and Robert Flowers. Absent was Councilman Norwood Truitt.

II. PUBLIC COMMENT

No public comment was made.

III. APPROVAL OF MINUTES

July 20, 2020 Virtual Town Council

Vice-Mayor Miller made a motion to approve the minutes. Councilman Chandler seconded the motion. All were in favor.

IV. CONSENT AGENDA

A. Police Department Report

Chief Flood stated that reporters Glenn Rolfe and Jason Feathers did an interview with Sergeant Disciullo in regard to the amount of DUI's we have had. He stated that they have had fourteen DUI arrests in the past 70 days. The Police Department was awarded \$3,300 from the State from a drug case

at the beginning of the year by Sergeant Disciullo. It is grant time and he and Sergeant Disciullo have been busy working on those. They put in for a COVID-19 grant and that was awarded in the amount of \$9,000.

Chief Flood advised that Officer Megan Loulou was given an accommodation award for one of the DUI arrests. He stated that she was doing a property check at Royal Farms and a concerned citizen alerted her of a possible DUI or possible medical emergency. Officer Loulou did stop the vehicle and he was found to be driving under the influence, a felony, and his third one, second one within six months. He also had two loaded handguns in the center console.

Councilman Chandler asked Chief Flood in regard to his report with the upsurge in DUI's, what his opinion was as to why the increase. Chief Flood stated that there is really no rhyme or reason, other than 911 dispatch center alerts Dagsboro PD to be on alert for a specific vehicle in the area. They just happen to be in the right place at the right time, along with good police work, and good observation of the officers stopping them. They have had either four or five that were under the age of twenty-one, which is high, and we do not usually see that as much. Councilman Chandler asked if any were accident related or all just DUI. Chief stated that all were just DUI stops to his recollection and no accidents.

- B. Treasurer's Report
- C. Administrative Report

Councilwoman Ulrich stated that she thought the newspaper article in regard to Morse Roofing donating the roof for the Town Hall was an excellent idea.

Councilman Chandler asked Town Administrator Brought about the conceptual drawing for the property next door. Town Administrator Brought stated that she and Engineering Consultant Gulbranson, and Amy also with AECOM, have a meeting scheduled on Thursday to review what they have thus far. He was not ready to present just yet.

- D. Economic Development Committee
- E. Building Official Report
- F. Code Enforcement Report
- G. Meeting Reports
- H. Water Department Report
- I. Prince George's Chapel Cemetery Report
- J. Correspondence

Councilwoman Ulrich made a motion to approve the consent Agenda. Vice-Mayor Miller seconded the motion. All were in favor.

V. PLANNING & ZONING COMMITTEE

Recommendation Snead Properties Proposed Vines Creek Retail Space – Vines Creek Lot-
Brad Connor & Kyle Gulbranson

P&Z Chairman Brad Connor stated that at the last Planning and Zoning Commission meeting on September 3, 2020 they reviewed the preliminary site plan for the Vines Creek Retail Store – Liquor Store. They voted to recommend approval of the preliminary site plan with the parking being in front of the building for security and lighting reasons. Chairman Connor stated that Mr. Clay Snead has had an initial discussion with Del Dot in regard to the entrance and the exit and it would be off of Vines Creek Road. Planning & Zoning Commissioners have concerns regarding traffic and access to and from this location, but it is zoned Town Center and this business would be an acceptable use.

Engineering Consultant Gulbranson stated that they reviewed the preliminary site plan and currently as the preliminary plan it meets requirements in terms of setbacks and the building site plan. He stated that what was discussed at great length during the P&Z meeting was the placement of the building. As you know, the Town Center District requires the building to be placed close to the road with parking on the side or in the rear, unless the Planning & Zoning Commission finds a reason why that is not suitable. As P&Z Chairman Connor stated, they decided that the parking should be in the front due to safety reasons.

VI. NEW BUSINESS

a. Snead Properties Preliminary Site Plan-Vines Creek Lot – Vines Creek Retail Review (Clay Snead and Carlton Savage – Scaled Engineering) Council Discussion and Possible Vote

Clay Snead stated that they are proposing to do a retail store, and it would be a pole building that has a residential look. If you could imagine a white building, with a black tin roof, black shutters and residential dormers that provide a sharp, clean look to blend in with the town and also a nice clean look to our patrons. He stated that they are looking to bring five to eight jobs to the town. He stated that he is not looking to spare any expense on the inventory as they like to give a wide selection to the patrons. In addition to the everyday clients, they are hoping to get higher end clientele as well. Mr. Snead stated that they are planning to purchase and construct top quality shelving and lighting to ensure safety. As for the parking lot, he stated that they are going to follow all guidelines that are recommended, but also be prepared for the future.

Carlton Savage with Scaled Engineering stated that in review of what was discussed at the P&Z meeting, this property is tax parcel 2-33-11.00-131.05 and the address is 29471 Vines Creek Road. The existing property is a vacant lot and is zoned Town Center and they are proposing a retail liquor store, which meets the intent of the use. At this point, it is phased as a 3,000 square foot building, which they are referring to as Phase I, but intend, if business is good, to have a Phase II as a future one story expansion area. The parking lot has been designed with Phase II in mind, therefore having twenty-three parking spaces instead of the fourteen initial requirement. The intent is for the entire infrastructure to be there when the expansion is needed. Mr. Savage stated that they do understand they are in need of more approvals. They still need to submit for Storm Water Management through the Sussex County

Conservation District. They have contacted Del Dot and will have a meeting with them to discuss the entrance, which has been a concern of the Town, and they will meet the requirements for the entrance. They will meet with the Fire Marshall in regard to the site and the building. The approvals will be provided to the town prior to final approval, should Council deem this an acceptable preliminary plan.

Mr. Savage stated that they are providing a loading space near the dumpsters; there is enough space between the building and the parking lot. The dumpsters are proposed on the left side of the building to accommodate any trash. Mr. Savage stated that there were some comments in the AECOM review that they plan to fully comply with.

Councilwoman Ulrich asked, in regard to the concrete walkway, if it goes all the way across even though Phase II isn't going to be started. Her concern was handicap parking being on the far right, away from the building. Mr. Savage stated that she was correct and the intent is to build the entire hatched area to allow the handicap parking spaces to have full access to the building. The goal for Phase II would be to simply build the building through a building permitting process versus having to redo the whole site.

Mr. Savage stated that the storm water pond shown in blue may not be in the back as that will be based on what the soils dictate and what works best for the site. Councilwoman Ulrich stated that if there is storm water management in the back then there must be access to get back there, would this be along the easement? Mr. Savage stated that this would be looked at more in depth for design as they normally require at least a 10 foot access way. They will have to pay close attention to planting as the access cannot be blocked.

Vice-Mayor Miller addressed Mr. Snead and apologized for what he had gone through at the P&Z meeting. Vice-Mayor Miller stated there were a lot of personal issues expressed. Vice-Mayor Miller stated that his daughter is on that committee and he apologized, as a Council member, for what Mr. Snead was subjected to. Mr. Snead stated that he greatly appreciated that because it is their intent, once the store is open, to be a part of the town and work with the town on events and being involved in any way that they can.

Councilman Chandler stated that when looking at the drawings, there are trees being proposed to be planted on the sides of the property to the East and West sides, but it does not indicate whether there are trees planted the full length of the property and asked why there wouldn't be. Mr. Savage stated that they did receive quite a few comments back from Mr. Gulbranson regarding the parking lot trees. One of the comments does address the trees in the parking lot and initially we did not propose a lot of trees as the landscape island can become more problematic with trucks, but they will work with Engineering Consultant Gulbranson to ensure that they meet the Code. Mr. Savage stated that the landscaping is lighter than what Mr. Snead intends to have planted. Engineering Consultant Gulbranson stated that before the final site plan is approved, there would need to be some buffering between them and the residents in the rear.

Councilman Chandler addressed Mr. Connor and Mr. Gulbranson, in regard to the Code requiring the parking lot to be in the rear of the building; the building is to be fronting the road with parking to the rear or perhaps to the side. From the drawing, it looks like it is inverted and that the building will be to

the rear of the property and the parking lot in the front. Councilman Chandler asked if he was mistaken about that. Mr. Gulbranson stated that Councilman Chandler was correct and in the Town Center District the Code requires the building be placed close to the road with parking on the side or in the rear, unless the Planning & Zoning Commission finds a good reason for the building to be placed toward the rear. This was discussed at great length during the P&Z meeting. After the discussion, the Planning and Zoning Commission members felt that it wouldn't be a safe situation for the parking lot to be behind the building, which is the reason why they advocated for the building to be placed toward the rear with the parking in the front. Councilman Chandler stated that he understood that conclusion but wanted to know the premise for the conclusion. He asked for an explanation as to why it is safer in the front, and safer in what sense. Mr. Gulbranson stated that the P&Z Commission felt that there would be a possibility of loitering in the parking lot if it was behind the building, where it is not highly visible.

Chairman Connor stated that the main concerns of the P&Z Commission were the lighting at night, the security of having people in the back, and the ability to get in and out. They felt it was safer in the front versus the back. Engineering Consultant Gulbranson stated that the applicant was prepared and had two different site plans, one with the building toward the front and one with the building toward the back. Both scenarios were presented to the P&Z Commission. Councilman Chandler stated that he did see those in the packet, which is what prompted the question with the precedential effect of making an exception to what our Ordinances and Code require, he questioned what that would spell for the future. Engineering Consultant Gulbranson stated that this was discussed at great length as well, and at first the P&Z Commission was concerned about that, but there is that clause in the Code that states that the Planning & Zoning Commission, for good reason, can advocate the building be placed toward the rear of the property and that was what they decided on.

Councilman Chandler stated that he assumed there was discussion, as this is a heavily trafficked road and this is a business that is really not going to be consistent with existing businesses in the proposed area of the community. The existing businesses are what he refers to as low intensity or low impact. Employees come into work from 9 to 5 and those businesses aren't businesses that attract and generate volumes of traffic. Mr. Chandler stated that he assumed that was discussed at P&Z, but he wished to inquire about Chief Flood's perspective in regard to the safety of traffic exiting and entering this business, which will be a higher volume of traffic, particularly traffic that might want to exit and head East, towards Bethany Beach on Vines Creek Rd and having to cross over two lanes of traffic to do that safely.

Chief Flood stated that through his years of experience, his first thought was that this is going to be a nightmare unless there is a traffic light there. He stated that he realizes the property is too close to the other traffic light and therefore you will not get a traffic light there. He feels that it will create some heartache and traffic accidents, absolutely; there is probably no way around that. He agreed with Mr. Chandler that vehicles are going to want to exit toward Bethany Beach, and therefore they will have a hard time exiting. People will get frustrated and when the light changes the traffic is always backed up there, even on a good day. Chief Flood stated that they will deal with it, but he can definitely foresee negative issues resulting from it. As for safety, Mr. Snead stated that he would spare no expense, and

therefore he would recommend high quality cameras inside and outside, and lighting is a must for a liquor store.

Mayor Baull stated that Councilman Truitt texted him earlier and that he is ok with the proposed preliminary site plan.

Mayor Baull expressed his concern to Mr. Snead and Mr. Savage, as he is about a block over from the proposed location, in regard to the traffic situation. I know what it is like now and it's only going to get worse, not with just your business, but with summertime and weekends. Mayor Baull stated that at times he and his family base their activities on traffic in the area. He stated that DelDOT has the ultimate approval. Once the plan is approved by DelDOT and other required agencies, the Council will take another look at the plans regarding the entrance way.

Councilwoman Ulrich stated that her only concern is with DelDOT, as you cannot put a center turn lane anywhere on Rt. 26 so it is going to be a mess; whatever goes in there will be a mess if they want to put a business in.

Vice-Mayor Miller made a motion to approve the preliminary site plan for the Vines Creek Lot – Vines Creek Retail location as proposed. Councilwoman Ulrich seconded the motion to approve.

Councilman Chandler stated that his vote is "no" and the reason being, to Mr. Snead, is not that he has an issue with the business that he has proposed; his issue is with the location. Mr. Chandler stated that he had several basis; one being, as he indicated earlier, it is consistent with Town Center as it is a business but it is in a residential and business area and isn't like the other businesses in the area. It is very different and it will generate a high amount of traffic, which has to be taken into account. Second Mr. Chandler stated that he is unwilling to set the precedent, which Planning & Zoning are willing to set. We require that all parking in the Town Center for new businesses is to be located in the rear of the property and he is unwilling to depart from that precedent. He feels that once we depart from it they will have a hard time turning it down in the future. He also felt that they all have the obligation to act in the interest of the health, safety and welfare of the citizens of the Town of Dagsboro. Mr. Chandler stated that he is concerned for the reasons that Chief Flood mentioned and feels that we are going to be putting citizens of Dagsboro and others in harm's way by having a liquor store right on Rt. 26 in a high volume, high traffic area, that will be exiting at multiple times of the day, including at night, which is another reason why this business is inconsistent with the neighboring businesses. As he presumed, this business will be open until 10 or 11 o'clock pm, which is not consistent with that area. It will also be putting volumes of traffic into that roadway at not only high traffic times, but also at other times and would be threatening and dangerous to the safety and welfare of the people of Dagsboro as well as others on our highways. Mr. Chandler stated that he realizes that it is DelDOT's ultimate call, but it is also our call. He stated that they have as much right to protect the public safety as DelDOT does. Mr. Chandler stated that frankly, he finds himself in agreement with DelDOT less and less these days. Mr. Chandler also felt the businesses and the residents of that area are quite different than this business. He stated that it is also close to a historic cemetery and a historic church. The church, although it is not an active church in the sense that some churches are, does hold services at various times of the year,

weddings are held there, and of course at the cemetery there are funeral services. He feels this business, frankly, just does not meet that feel or that character of those businesses or those buildings in their historic nature and the nature for why people are coming to those buildings either to worship, to celebrate a great wedding or for funerals and he felt that also needed to be taken into account as one of the interests of the public. He felt this is not being taken into consideration. Mr. Chandler stated that he cannot agree or approve this proposal as presented.

Mr. Chandler felt that it would more likely be a successful business if it were where there is high traffic being able to enter and exit like on Rt. 113. Mr. Chandler stated that there is a liquor store already out there, but if you look up and down our highways from Selbyville to Milford, most of the liquor stores and establishments are on the highways, which is probably for a good reason. He also felt that they cannot lose sight of the fact that even though a particular business may meet all our Zoning and Code regulations, this Council has in the past, turned down businesses even though they met all of the Zoning requirements, all of our Ordinances, and were perfectly permissible under the law but the Council considered those businesses inappropriate for that location. Mr. Chandler stated that they had one not long ago, in Savannah Square, that wanted to locate there that met all of our zoning requirements, but because of the interest of public health, safety and morality, the Council felt it was best not to approve that proposed business. Mr. Chandler stated that with all due respect to Mr. Snead, he does not feel that this is a great spot for his business. Councilman Chandler stated that these are the reasons why he is opposed to the preliminary site plan as proposed.

Vice-Mayor Miller stated that he can agree with Councilman Chandler's concerns in regard to setting precedent in reference to the parking in the front of the building, but that he can also agree with Planning & Zoning Commission that if the parking lot was in the rear of the building, there would be a lot of issues for the police force and not being able to monitor the property. He stated that the neighboring properties would be the only ones that could come up with an issue, but he doubted that they would as they are both businesses. Vice-Mayor Miller stated that he is in favor of the preliminary site plan as proposed.

Councilwoman Ulrich cast her vote as in favor of the preliminary site plan as proposed. She stated that she understood Councilman Chandler's concerns in that this would be probably best suited for a different location, but this is the location they have chosen. She stated she does foresee issues in terms of traffic.

Mayor Baull stated that he is in agreement with concerns Councilman Chandler stated and that he as well has concerns about the traffic situation. But again, hopefully DelDOT will give guidance and direction. At this point, Mayor Baull voted in favor of the preliminary site plan as proposed. Mayor Baull stated that there are three in favor and one opposed with Councilman Truitt unable to vote.

- b. Artesian – Rob Penman & John Thaeder
 - i. New Water Supply Update

Mr. John Thaeder stated that in regard to the water treatment plant, there is a lot of activity, with pouring the foundation and underground work. The goal is to be under roof by the end of October.

The plan and schedule is to be able to start operating the plant at the end of April. Mr. Thaeder stated that things are underway and once the treatment filters are in, if anyone on the Council is interested, a field trip to see the project under construction before the end of the year could be arranged.

Mr. Thaeder stated that they closed on the old firehouse property on Waples Street. They have ordered equipment to repair the HVAC system, getting normal security things installed, and repairing garage doors. They plan on being able to use the facility for equipment storage by the end of the year.

Councilwoman Ulrich asked Mr. Thaeder for clarification on the placement of the water tower on the new site and asked if it is going further back on the site, not near the road. Mr. Thaeder stated that it will be further back and what they are working on now is strictly the building. Councilwoman Ulrich and Councilman Chandler congratulated Artesian on the settlement of the old firehouse property.

ii. Interconnection between Dagsboro and Frankford Discussion/Possible Vote

Mr. Thaeder stated that they had a meeting at Town Hall in reference to how the water plant would tie into the Dagsboro water system and the system that is outside of the town. At that meeting there was discussion in regard to an interconnection that would tie the Artesian system at Frankford to where the two systems come together. Basically right now it is just a valve in the road versus a meter flow that tracks usage. The interconnection would improve operation and benefit the town. One reason being that we would be producing water to the town and therefore there would be very little travel as far as the water getting to the residents of the town. The second reason is the movement of the water, particularly coming from the plant and also the water leaving through the other interconnection, to our customers to the South and would allow the water tower and the tank to move. There would be fresh water coming into the tank and leaving the tank on a more consistent basis. One of the issues is that the water coming into the town has very low chlorine in it, but it is exasperated by the fact that it goes into a fairly large tank and sits for a period of time and the chlorine will continue to diminish.

The positive effect is that the town would have two interconnections to the town and the town would actually have more reliable sources of water. Mr. Thaeder stated that right now the town relies on one interconnection. He stated that their interconnection to the town is not to get rid of the Millsboro interconnection. He stated that the contract the Town has with Millsboro clearly indicates that you have an interconnection with them, but it also does not indicate anything about being your only interconnection. Mr. Thaeder stated that taking water from both would greatly improve the chlorine residuals within the town. Mr. Thaeder stated that Artesian's water is considerably cheaper than Millsboro and this would benefit the town in regard to the cost of water. He stated that he is aware that there has been discussion in regard to the Agreement with Millsboro. In theory, it expires in 2022 but if you read section F of the terms and rates either side can extend that Agreement unilaterally. Mr. Thaeder stated that the Agreement may go away in 2022 or it may not go away in 2022. It basically reads that the Agreement is subject to the option of either party renewing the contract for like term or lesser term of not less than ten years on the same or different terms as contained herein. This is interesting language because it is not clear whether someone has to ask to have it extended. Mr.

Thaeder stated that he felt this should be looked into further. He appreciates the town and looks forward to working with the town and providing the best quality service that they can.

Engineering Consultant Gulbranson stated that they did meet with Artesian in early August in regard to looking at their plans for the water system and how their water system would be connected to Dagsboro's. He feels that it makes sense for them to plan to provide an interconnection with Frankford as it makes good planning sense. If you can have more interconnections then water is flowing more freely, which as Mr. Thaeder indicated, is a good thing for water quality. For a lot of planning reasons it makes good sense for the interconnection to be there. Engineering Consultant Gulbranson stated that Mr. Thaeder also made another good point in that with Millsboro's current water situation they may want to be able to get water from Artesian. Historically, Millsboro's issue with the interconnection with Frankford was because of the poor water quality in Frankford. Now that Artesian has taken over Frankford's water system, he is assuming that all of those past water quality issues that Frankford had are going to go away, and it may alleviate the issue that Millsboro has with the interconnection and sharing water with the three towns.

Councilwoman Ulrich stated that in looking at the plans there would be two interconnect valves, one where you are constructing the water treatment plant and the other one on Main Street Extended near the back entrance to the high school. Mr. Thaeder confirmed this. If Millsboro does not want the towns to intermingle water, Councilwoman Ulrich asked if Artesian was still going to supply water to Frankford, and if so, how would they accomplish that. Mr. Thaeder stated that there are other avenues of getting water into Frankford and they are obviously going to do what they have to do to provide the best quality water to all of their customers.

Mayor Baull stated that he does not have a problem with an interconnection between Frankford and Dagsboro, as Artesian is only going to make their water quality better, which can benefit both towns. He stated that obviously it will depend on what Millsboro does, because the one time that we had to open an interconnection for an emergency situation, it was not pretty for a few days between the towns.

Councilman Chandler asked Town Administrator Brought and Engineering Consultant Gulbranson what Millsboro's position would be if the Council approved an interconnection with Frankford and Artesian moved forward with opening up the interconnection. Engineering Consultant Gulbranson stated that he felt right now they are just at the planning stages for the interconnection. He felt that there does need to be a conversation with Millsboro before Artesian goes further with their planning. Town Administrator Brought stated that she felt it was more about construction costs for Artesian as the cost would be more to add it later. She asked if they are actually doing anything with it right now and Mr. Thaeder stated that they are not planning to move water from the current Frankford system into Dagsboro until the new plant is built. The water that would come to Dagsboro and Frankford would be from the new, modern, state of the art water treatment facility, through new mains. He stated that it is not their intention to bring water from the old Frankford system that would ever co-mingle with the Millsboro system. The important aspect of the Agreement, as a requirement of Dagsboro, is that you are able to provide Millsboro with a certain amount of storage. Mr. Thaeder stated that would not

change whether the tank was filled with Artesian water, Millsboro water, or a combination of the two as long as that interconnection stays open and he sees no reason why it should close. Artesian anticipates opening the interconnection and supplying Dagsboro with water sometime in May of 2021 and they would not be looking to do similar with Frankford at the same time. Mr. Thaeder stated that he agreed with Town Engineer Gulbranson in regard to a meeting with Millsboro to answer their questions. Engineering Consultant Gulbranson stated that he thinks the water quality of Frankford was Millsboro's main concern in the past and the last conversation that he had with Millsboro the real concern now is storage.

Councilman Chandler stated that he understood Mr. Thaeder's point as he has read the water Agreement between Dagsboro and Millsboro, which was entered into in 2002, and there is nothing in the four corners of the document that prohibits another interconnection. The Agreement does read that Millsboro is going to supply and Dagsboro agrees to take from Millsboro water up to 90,000 gallons per day but it doesn't specify a minimum. Councilman Chandler asked Mr. Thaeder if he is correct that Artesian's position is that nothing in the Agreement prohibits or bars Dagsboro from having another interconnection and having it with Frankford. Mr. Thaeder stated that is Artesian's position, but he thinks Dagsboro does need to continue to take some water from Millsboro. He felt that if Dagsboro did not take any water that it would be a violation and not the intent of the Agreement. Councilman Chandler asked if Artesian's position on the interconnection was because nothing in the four corners of the document speaks to that, and if so then would Dagsboro be free to enter into an Interconnection Agreement with Artesian? Mr. Thaeder stated "yes" and at both locations, because the second interconnection, which would be the one going into Dagsboro, would have two way capabilities to provide something in an emergency. The intent of the interconnection is to move water over to that system that will be coming from the new plant with better quality, but also the real key to that interconnection and the location of it, will make your tank provide fresher water to not only the customers in Town, but anybody that uses it. Councilman Chandler stated that he felt he agreed with Mr. Thaeder's interpretation of the Agreement, but would Artesian be willing to enter into a Hold Harmless or Indemnification Agreement with the Town in the event that Millsboro disagrees. Mr. Thaeder stated that he had given that some thought. He felt, in general, that we should talk to Millsboro together; he doesn't feel a Hold Harmless Agreement is possible because there are many intricacies with the Agreement with Millsboro. Mr. Thaeder stated that some of them have nothing to do with the second interconnection and have to do with the tank, how the interconnection is managed and the water quality that they are providing to the town. Artesian, getting into the legal area of that and when he conversed with his legal consultants, felt it was very murky and would be extremely deliberated before it went in that direction. Mr. Thaeder stated that he would much rather agree that we are going to work toward the two interconnections and meet with Millsboro to see if there really is an issue before we decide if we do need to share legal representation. Councilman Chandler stated that he agreed with Mr. Thaeder to meet with Millsboro and see if there would be an issue. Councilman Chandler stated that Mr. Thaeder raised another point in regard to the tank. The water tower is owned by the Town of Dagsboro, but Millsboro has the right to take water from the tank on an as needed basis. Councilman Chandler asked Mr. Thaeder what he envisioned Artesian's position was with the Dagsboro water tower in the future. Mr. Thaeder stated that in regard to the future, as it relates to Millsboro, it

doesn't change. The tank will provide what it is supposed to provide to Millsboro whether it has our water, their water, or the combination of the two waters until at some point it is decided that the interconnection is no longer needed. Mr. Thaeder stated that as a water utility, he would always counsel anybody that you do not get rid of interconnections. They give you the support you need when the chips are down. Mr. Thaeder stated that from the Millsboro standpoint he felt it doesn't change. From an Artesian standpoint, they are going to install a pressure reducing system to feed water into Dagsboro and then a higher pressure on water that is leaving our plant and heading into the County. Mr. Thaeder stated that he is not sure that the tower itself is going to provide a great deal of protection to our customers. He stated that the Frankford system has a water tower, and at this point they do not plan to take it out of service. He stated that he felt it would have some benefit and affect to Artesian, but they would never put in an agreement that they needed it. It is not the focus of what Artesian is doing, where Millsboro sees a benefit from it.

Mayor Baull suggested that Town Administrator Brought setup a meeting with Artesian and Millsboro representatives to discuss the interconnection.

c. December Municipal Election (Discuss Absentee Ballots-Polling Place)

Town Administrator Brought stated that she had spoken to Town Solicitor Morris in regard to the December election due to COVID restrictions and asked if the Town could just do absentee ballots and he advised that it would not be appropriate. He stated that most towns are still giving absentee ballots if needed and have a polling place open with the COVID restrictions of social distancing. Town Administrator Brought stated that it is Councilman Truitt and Councilman Chandler that are up for election. The deadline is November 6 to file for candidacy.

d. Discuss upcoming Trick-or-Treat and Christmas Activities

Mayor Baull stated that on the conference call last week with the Governor's office it was not discussed. Town Administrator Brought stated that we are supposed to have an answer by the end of September. Mayor Baull stated that he assumes they are going to discourage large events. Dagsboro Fire Hall and First Choice Services have already cancelled their events. He stated that you are just to turn your light on if you wish to participate, social distance and wear a mask.

Mayor Baull stated that Governor Carney has still not taken the State from Stage 2 to Stage 3 and has stated that he probably will not until there is a vaccine out, which will mean that there will need to be alterations to the Christmas activities. He stated that some towns have already canceled their parades.

VII. OLD BUSINESS

a. Chlorine Injection System – Continued discussion/Possible Vote

Councilwoman Ulrich asked if the levels have come back up. Town Administrator Brought stated that they had been over .30 for two weeks, but today it was at .16. She stated that no one has notified her as to why. She has texted George Decker with the Millsboro plant and has gotten no response. She asked Sherrie and Bill of DRWA if they could check the chlorine level at the interconnect meter within a

day or two. Town Administrator Brought stated that the chlorine has to come in at the interconnection at the State and Federal requirement of .30. Installing a chlorine injection system wouldn't help our numbers if the chlorine isn't reaching us through the interconnection.

b. Update on Matt's Paving- Painting of Curbs (Cindi)

Town Administrator Brought stated that we had postponed the painting of the curbs due to Chesapeake Utilities installing the gas lines. The prisoners came and did the edging in preparation of the curb painting.

VIII. PUBLIC COMMENT

Bob Flowers, 31860 New Street, stated that was great police work in the last couple of months. He agreed with Councilman Chandler in regard to the liquor store and after Chief Flood's report with the DUI increases he has a real concern with the traffic on Vines Creek Road. He stated that he would be dead set against a liquor store on Vines Creek Road; there are two out on the highway within easy driving distance and he doesn't feel another one is needed within Town.

Mayor Baull stated that there was an accident on Armory Road that involved DelDOT workers that were hit by a vehicle; he asked if everyone could just get the message out to please pay attention as there are people working on the roads.

Vice-Mayor Miller asked Chief Flood if he had seen the comment on the Dagsboro Locals Facebook page by Brenda Dadds in regard to "Thank a Police Officer "day. Chief stated that he did not. Mr. Miller stated that she shared how disappointed she was with the amount of people not wearing masks. She posted that the police officers and the boy scouts were wearing masks but nobody else was. Chief Flood stated that he did speak to Sergeant Disciullo about it, but he can only be responsible for his people and they had them on. Sergeant Disciullo did advise politely that they should be wearing masks, and if not social distancing was required. Vice-Mayor Miller stated that he just wanted to bring it to Chief Flood's attention as he felt it did not set a good example for the Town.

IX. ADJOURNMENT

Councilwoman Ulrich made a motion to adjourn. Vice-Mayor Miller seconded the motion. All were in favor.

Meeting adjourned at 7:26 p.m.

Respectfully Submitted,

Stacy West, Town Clerk